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[New Hampshire Code of Administrative Rules](#)  
[Env-Ws 901](#)

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-Ws 900 OPERATION OF SEWAGE AND WASTE TREATMENT SYSTEMS

PART Env-Ws 901 CERTIFICATION OF WASTEWATER TREATMENT PLANT OPERATORS

Statutory Authority: RSA 486:9; RSA 485-A:6; RSA 485-A:5-a & RSA 485-A:7-a through 7-d

Env-Ws 901.01 Declaration of Purpose.

(a) RSA 486:9 provides for the adoption of rules by the commissioner of the department of environmental services for the certification of operators of water pollution control facilities.

(b) In accordance with the above provision, the purposes of these rules are:

(1) To assure that operators of water pollution control facilities are suitably qualified and have the knowledge and ability to properly operate and maintain such facilities; and

(2) To help assure optimum treatment of all wastewaters prior to discharge to surface waters or groundwaters of the state.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97

Env-Ws 901.02 Definitions.

(a) "Certificate" means a certificate of competency issued pursuant to these rules stating that the operator has met the particular requirements of any of the specific operator classification grades contained in the certification program.

(b) "Certification committee" (committee) means the committee responsible for certification of wastewater plant operators, as described in Env-Ws 901.12.

(c) "Continuing education unit" (CEU) means 10 hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.

(d) "Division" means the division of water of the department of environmental services.

(e) "Operating experience" means time spent at a wastewater treatment plant in satisfactory performance or supervision of operation duties which include maintenance of process equipment, laboratory work, equipment operation, administration and process control.

(f) "Operator in responsible charge" means the individual who oversees the daily operation of the wastewater treatment facility and is ultimately accountable for decisions involving all plant operational duties, as described in Env-Ws 901.02(e), in addition to maintaining record keeping and reporting necessary for the wastewater treatment plant to comply with applicable federal and state requirements.

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(g) "Operator-in-training" (OIT) means an applicant who has met the written examination and education the requirements for a particular grade but who has not had sufficient operating experience to meet the full requirements for that grade.

(h) "Population equivalent" (p.e.) means the calculated number of people which would normally contribute an equal amount of 0.2 pound of 5 day, 20<sup>o</sup> c, biochemical oxygen demand per capita per day.

(i) "Wastewater treatment plant" (plant) means the water pollution control facility or group of devices provided for the treatment of wastewater, either domestic or industrial wastewater or a combination of domestic and industrial wastewater, and for the processing and handling of residuals removed from such wastewater.

(j) "Wastewater treatment plant operator" (operator) means any of the following:

- (1) The individual who has full responsibility for the daily operation of a wastewater treatment plant;
- (2) The individual who normally has charge of an operating shift; or
- (3) An individual performing any operation duties as described in Env-Ws 901.02(e).

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97

### Env-Ws 901.03 Grades of Wastewater Operator Certification.

(a) There shall be 4 grades of operators to parallel the classification of plants described in Env-Ws 901.09. Grade I certified operators shall be considered as qualified to supervise operation of grade I plants. Grade II certified operators shall be considered as qualified to supervise operation of grade II or lower plants. Grade III certified operators shall be considered qualified to supervise operation of grade III or lower plants. Grade IV operators shall be considered as qualified to supervise operation of grade IV or lower plants.

(b) There shall be an operator-in-training status for all grades of wastewater operator certification. Eligibility criteria for each operator in training grade shall be identical to that for each full certification grade except that applicants may take the written exam for a particular grade with less operating experience than required for that full grade.

(c) Operators-in-training shall be placed in responsible charge of a plant pursuant to Env-Ws 901.10(a) only if a municipality specifically requests this in writing to the committee.

(d) Full certificate status shall be granted to an operator in training after the committee receives written verification from the OIT's supervisor of the fulfillment of the operating experience requirement.

(e) Any operator seeking to be an operator in responsible charge of more than one facility shall request, in writing, prior approval from the certification committee.

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(f) Pursuant to (e) above, an operator seeking to be in responsible charge of more than one facility shall submit to the committee a written proposal which includes the following:

- (1) Time to be spent at each facility by operator in responsible charge;
- (2) The proposed staffing levels and coverage at each facility in question including the position title and time to be spent at the facility by each individual staff member;
- (3) A statement of appropriate action and remedial response to be taken during a crisis or emergency;
- (4) Any proposed preventive maintenance that has been scheduled; and
- (5) The proposed process control technique.

(g) Pursuant to (f) above, the certification committee shall review the submitted proposal and shall approve it, provided that such a proposal will not jeopardize the public health, compromise the proper operation and maintenance of the wastewater treatment plants and will not result in a violation of water quality standards or wastewater treatment plant effluent criteria.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97

### Env-Ws 901.04 Qualifications of Wastewater Treatment Plant Operators.

(a) Subject to (b) below, applicants for all grades shall pass the required written examinations as provided in Env-Ws 901.06, and shall meet the following minimum operating experience and education requirements specified in Table 901.1, below.

Table 901.1 Operating Experience and Educational Requirements

<u>Grade</u>	<u>Operating Experience</u>	<u>Relevant Education</u>
I OIT	0 years	12 years
I	1 year	12 years
II OIT	1 year	12 years
II	3 years	12 years
III OIT	2 years	14 years
III	4 years	14 years
IV OIT	4 years	14 years
IV	6 years	14 years

(b) A General Education Degree certificate may be substituted for 12 years of relevant education.

(c) Experience requirements shall be as follows:

(1) A minimum of 50% of the operating experience requirement shall be met by actual on-site operating experience at a plant, with the exception noted in (2)a., below;

(2) The applicant may request substitutions for required operating experience subject to the following criteria:

- a. Operating experience in either a water treatment plant or industrial wastewater or pretreatment plant of a grade equal to, or greater than, the wastewater treatment plant operator grade being applied for, shall be substituted for up to 75% of the experience requirement;
- b. Experience in a related utility division or trade, such as wastewater collections, water distribution, plumbing, electrical, pipe fitting, instrumentation, laboratory, utility construction, utility design, engineering, facilities maintenance and management and public works shall be substituted for any stated experience requirement subject to the 50% limitation stated in (c)(1), above;
- c. High school education shall not be credited for substitutional value toward any stated experience requirement;
- d. Relevant post high school education shall be substituted for any stated experience requirement on a year-for-year basis, subject to the 50% limitation stated in (c)(1), above;
- e. Education applied in substitution for any stated experience requirements shall not also be applied to the education requirement;
- f. For a Grade II OIT, the minimum one-year operating experience requirement may be substituted with a minimum of a one-year certificate in wastewater or environmental technology or an Associate degree in a relevant field, as described in Env-Ws 901.04(d)(2); and
- g. Specialized operator training courses, seminars, workshops, and technical conferences which are relevant to the wastewater industry, as specifically identified in b., above, may be substituted for any stated experience requirements, subject to the 50% limitation stated in (c)(1), above, and the calculation shall be based on CEUs in accordance with (d)(5), below.

(d) Education requirements shall be as follows:

(1) The education requirement of 14 years for Grade III and Grade IV shall include 2 years of relevant post-high school education in the environmental field;

(2) Relevant post-high school education shall include the following:

- a. For degrees in sanitary engineering, environmental technology or studies, water treatment, and wastewater treatment, a bachelor's degree shall be counted as 4 years of relevant education and an associate's degree shall be counted as 2 years of relevant education; and
- b. For degrees in natural sciences and non-sanitary engineering disciplines, a bachelor's degree

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shall be counted as 3 years of relevant education and an associate's degree shall be counted as 1.5 years of relevant education;

(3) Partial credit toward relevant post-high school education requirements shall be allowed for academic work or vocational training, as follows:

- a. Any bachelor's degrees other than those listed in (d)(2) a. or b. shall be counted as 2 years of relevant education; and
- b. Any associates degree of other than those listed in (d)(2) a. or b., above shall be counted as one year of relevant education;

(4) Incompleted degree programs shall be counted as described in (d)(5), below;

(5) Each 30 semester hours or 45 quarter hours of credits earned in environmental and other relevant technical and scientific studies shall be considered the equivalent of one year of post high school education;

(6) The applicant may request substitutions for required post-high school education, subject to the following criteria:

- a. One year of operating experience may be substituted for one year of grade school without limitation;
- b. One year of operating experience may be substituted for one year of high school without limitation;
- c. 2 years of operating experience may be substituted for one year of the post-high school education requirement for Grades III and IV and III OIT and IV OIT;
- d. Operating experience applied in substitution for any education requirement shall not also be applied to the experience requirement; and
- e. Specialized operator training courses, seminars, workshops, and approved technical conferences may be substituted for post-high school education without limitation, based on CEUs in accordance with (5), above.

(7) The following criteria shall apply to CEUs:

- a. The CEU value of each training course, seminar, workshop, and technical conference that is relevant to the wastewater industry, as stated in (c)(2)g., above, shall be determined by the sponsoring/administering agency;
- b. Each block of 45 CEUs shall be equivalent to one year of post-high school education; and
- c. Each 1.5 CEUs shall be equivalent to one college credit.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

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New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97

Env-Ws 901.05 Application for Certificate.

(a) Any person desiring to be certified as an operator shall file an application with the certification committee on an application form provided by the committee at least 45 days preceding the date of the examination.

(b) The applicant shall provide the following information:

- (1) Applicant's name;
- (2) Applicant's address;
- (3) Applicant's daytime telephone number;
- (4) Applicant's date of birth;
- (5) For each current wastewater operator certification held by the applicant, the following:
  - a. State(s) in which certification held;
  - b. Grade(s) of certificate(s);
  - c. Number(s) of certificate;
  - d. Date certificate received; and
  - e. If certificate was achieved by examination;
- (6) Whether or not this application is for reciprocity with another state;
- (7) An indication of certification level applied for;
- (8) An indication if applicant is requesting any education and/or experience substitutions;
- (9) Applicant's educational background, as follows:
  - a. Years of high school completed or date of GED;
  - b. Years of post-high school education completed;
  - c. Additional education to be applied toward educational requirement; and
  - d. Proof of post high school education in the form of transcripts and/or certificates of course completion;

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- (10) Experience history for wastewater related employment;
- (11) Verification of experience by signature of either operator in responsible charge or permittee;  
and
- (12) The names, addresses and daytime telephone numbers of 2 references.

(c) The applicant shall agree to and sign the following: "I hereby certify the information given by me is true and complete to the best of my knowledge, not only for the issuance of the certificate, but also for the retention of the certificate. I further agree to abide by the provisions of Env-Ws 901."

(d) The committee shall review applications and supporting documents and determine whether the requirements of Env-Ws 901.04 have been met. The committee shall notify the applicant of his/her eligibility status in writing.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97

### Env-Ws 901.06 Examinations.

(a) The committee shall prepare written examinations to be used in determining knowledge, ability, and judgment of the operators in the several grades of operator classification.

(b) Written examinations shall be scheduled at least twice annually at places and times set by the certification committee.

(c) Applicants completing a written examination shall be notified of the test results as early as practicable.

(d) Applicants who fail to pass a written examination may repeat it at the next scheduled written examination and shall reapply as described in Env-Ws 901.05.

(e) Applicants completing a written examination with a passing score of 70% correct or higher shall receive the appropriate certificate.

(f) Applicants who fails to pass a written examination may make arrangements with the secretary of the certification committee to review the applicant's written examination at the division office as long as it is not within the 60 days preceding an examination date.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97



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### Env-Ws 901.07 Issuance and Renewal of Certificates.

(a) Upon satisfactory fulfillment by an applicant of the requirements stated herein, the department shall issue to the applicant a suitable certificate designating his/her competency. The certificate shall indicate the grade of treatment for which the operator is qualified. The certificate shall be prominently displayed in the office of the wastewater treatment plant at which the operator is employed.

(b) Certificates issued pursuant to these rules shall be valid for a period of 2 years from the date of issuance.

(c) Operators shall file an application for renewal prior to certification expiration and on forms furnished by the division.

(d) Operators applying for certification renewal shall provide the following:

- (1) Applicant's name;
- (2) Applicant's mailing address;
- (3) Applicant's daytime telephone number;
- (4) Applicant's certification number, grade, and expiration date;
- (5) Facility where currently employed;
- (6) Applicant's present title;
- (7) Education applicant has attained within the most recent 2-year renewal period;
- (8) Date of application; and
- (9) Applicant's signature.

(e) For renewal of all grades except I and I-OIT certificates, each operator shall acquire a minimum of 2 CEU'S of training in the relevant field during the 2-year period prior to the expiration date of the certificate.

(f) Failure to renew by the expiration date shall result in suspension of operator certification. If renewal fails to occur within 3 month past the expiration date, the certificate shall become expired and automatic notification of the responsible official(s) or permittee shall occur. The operator shall submit an application as described in Env-Ws 901.05. Successful completion of a written examination shall be required.

(g) The certificates of operators who terminate employment as a wastewater treatment plant operator shall be renewable after such termination provided that the continuing education requirements of these rules shall be met.

(h) An applicant may request the committee to waive the requirement for a written examination and request reciprocity if he or she has been certified as a wastewater treatment plant operator by a federal, state, interstate or territorial government provided that certificate was obtained by examination.

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(i) Requests for waivers under (h), above shall be submitted in writing to the committee and shall include the following information:

- (1) A completed application, as per Env-Ws 901.05;
- (2) A copy of the certificate upon which the waiver request is based; and
- (3) A copy of the official regulations, rules, guidelines, or other written criteria of the jurisdiction which issued the certificate.

(j) If the committee determines that the certificate from the other jurisdiction is still valid and that the requirements for certification of operators do not conflict with these rules and are of a standard at least as stringent as these rules, the committee shall grant the request and waive the requirement for a written examination.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97

### Env-Ws 901.08 Suspension, Revocation or Refusal to Renew Certificate.

(a) If after issuing a certificate the committee received information which indicates that good cause, as defined in (g) below, exists to suspend or revoke the certificate, the committee shall proceed in accordance with RSA 541-A:30.

(b) After proceeding in accordance with RSA 541-A:30, the committee shall revoke the certificate if the committee determines that the reason that good cause exists cannot be corrected to conform to applicable requirements.

(c) After proceeding in accordance with RSA 541-A:30, the committee shall suspend the certificate, subject to (d) below, if the committee determines that, while good cause exists, the reason that good cause exists can be corrected to conform to applicable requirements.

(d) If a certificate is suspended pursuant to (c) above, the committee shall not reinstate the certificate until:

- (1) The reason that good cause exists has been corrected to conform with applicable requirements; and
- (2) The certificate holder submits a written request to the committee requesting that the certificate be reinstated.

(e) If after receiving a request for renewal of a certificate, the committee receives information which indicates that good cause, as defined in (g) below, exists to refuse to renew the certificate, the committee shall proceed in accordance with RSA 541-A:30.

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(f) After proceeding in accordance with RSA 541-A:30, the committee shall:

- (1) Refuse to renew the certificate, if the committee determines that the reason that good cause exists cannot be corrected to conform to applicable requirements; or
- (2) Renew the certificate conditional upon the reason that good cause exists being made to comply with applicable requirements.

(g) Good cause to suspend, revoke or refuse to renew a certificate shall include the following;

- (1) Failure to use reasonable care, judgment and application of his/her knowledge in the performance of his/her duties;
- (2) Obtaining a certificate through fraud, deceit or falsification;
- (3) Submission of false or misleading information regarding any application for certification or renewal;
- (4) Submission of false or misleading operational documentation relating to the performance and monitoring requirements of a wastewater treatment facility;
- (5) Failure to submit required operational documentation to appropriate regulatory agencies in a timely manner; and
- (6) The certificate holder has failed to comply with an order of the department relative to the management of wastewater.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97

### Env-Ws 901.09 Classification of Wastewater Plants.

(a) The division shall from time to time, classify wastewater treatment plants into one of 4 grades ranging from grade I, the lowest, to grade IV. In recognition of the complexities in unit processes, classification of treatment plants shall be by a point process. Plants with 30 or fewer points shall be classified as grade I, plants with 31-55 points shall be grade II, plants with 56-75 points shall be grade III, and plants with greater than 75 points shall be grade IV. Reclassification of these plants shall occur as a result of system upgrading, process changes, changes in effluent discharge requirements, laboratory control, alteration to receiving water classification and water quality criteria and/or increased treatment requirements.

(b) Points shall be calculated pursuant to Table 901.2:

Table 901.2 Point System for the Classification of Wastewater Treatment Plants

Item

Points

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## Size

Maximum population equivalent (p.e.) served, peak day.....	1 per 10,000 p.e. or part thereof
Design flow (avg. day) or peak month's flow (avg. day), million gallons per day (mgd) whichever is larger.....	1 per MGD or part thereof

## Effluent Discharge

Receiving stream (sensitivity) See Table 901.3 for Range.....	1-6
Land disposal - evaporation.....	2
Subsurface disposal.....	5
Rapid infiltration basins.....	6

## Variation in Raw Wastes (slight to extreme)

See Table 901.3 for Range. ....	0-6
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## Pretreatment

Screening, comminution.....	3
Grit removal..... 3	
Plant pumping of main flow.....	3

## Primary Treatment

Primary clarifiers..... 5	
Combined sedimentation/digestion.....	5
Chemical addition (except chlorination and enzymes)..... 4	

## Secondary Treatment

Activated sludge with secondary clarifiers (including extended aeration, sequencing batch reactors & oxidation ditches).....	15
Stabilization ponds without aeration.....	5
Aerated lagoon.....	8
Sand filters..... 5	
Fixed film media system w/secondary clarifiers..... 10	
Fixed film media unit without/secondary clarifiers..... 15	
Subsurface disposal.....	5
Rapid infiltration basins.....	6
Overland flow..... 6	

## Advanced Waste Treatment

Polishing pond.....	2
Chemical/physical - without secondary.....	15
Chemical/physical - following secondary.....	10

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Biological or chemical/biological.....	12
Ion exchange.....	10
Reverse osmosis, electrodialysis.....	15
Chemical recovery, carbon regeneration.....	4
Spray irrigation.....	8
Overland flow.....	6
<b>Solids Handling</b>	
Thickening.....	5
Anaerobic digestion.....	10
Aerobic digestion.....	6
Evaporative sludge drying.....	2
Mechanical dewatering.....	8
Solids reduction (incineration, wet oxidation).....	12
Composting.....	7
Lime stabilization.....	5
Autothermal Thermophilic Aerobic Digestion (ATAD) .....	8
<b>Disinfection</b>	
Chlorination or comparable.....	5
On-site generation of disinfectant.....	5
Dechlorination.....	5
Ultraviolet.....	5
<b>Laboratory Control by Plant Personnel</b>	
See Table 901.3 for range	
Bacteriological (complexity).....	0-10
Chemical/physical (complexity).....	0-10

(c) Table 901.3 shall be used to assign points to items noted in subsection Env-Ws 901.09(b):

**Table 901.3: Point System for the Evaluation of Effluent Discharge and Laboratory Complexity**

<u>Item</u>	<u>Points</u>
<b>Effluent Discharge</b>	
Receiving stream sensitivity.....	1-6
The key concept is the degree of dilution provided under low flow conditions. Point values are:	
"Effluent limited segment" in EPA terminology; secondary treatment is adequate.....	
	1

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More than secondary treatment  
is required..... 2  
"Water quality limited segment" in EPA  
terminology; stream conditions are very  
critical (dry run, for example) and a very  
high degree of treatment is required... 3  
Effluent used in direct recycle and reuse  
system..... 6

Variation in raw wastes (slight to extreme).... 0-6

The key concept is frequency or intensity  
of deviation or excessive variation from normal  
or typical fluctuations; such deviation can be in  
terms of strength, toxicity, shock loads, I/I, etc.  
Point values are:

Variations do not exceed those normally  
or typically expected..... 0  
Recurring deviations or excessive  
variations of 100 to 200 percent  
in strength and/or flow..... 2  
Recurring deviations or excessive  
variations of more than 200 percent  
in strength and/or flow..... 4  
Raw wastes subject to toxic waste  
discharges..... 6

## Laboratory Control by Plant Personnel

Bacteriological/biological (complexity)..... 0-10

The key concept is to credit  
lab work done by plant personnel.

Point values are:

Lab work done outside the plant..... 0  
Bacteriological analysis (membrane  
filter, MPN)..... 5  
Biological identification..... 7  
Virus studies or similarly complex  
work conducted on site..... 10

Chemical/physical (complexity)..... 0-10

The key concept is to credit lab work done  
on-site by plant personnel.

Point values are:

All lab work done outside the plant..... 0  
Push button or visual methods for  
simple tests such as: pH, settleable  
solids - up to..... 3  
Additional procedures such as: DO, COD,  
BOD, gas analysis, filtrations, solids,  
volatile content - up to..... 5

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More advanced determinations, such as:  
nutrients, total oils, phenols, etc. - up to...7  
Highly sophisticated instrumentation  
such as atomic absorption and gas  
chromatography..... 10

(d) The division shall notify in writing the wastewater treatment plant owner when it has reclassified a wastewater treatment plant in accordance with this section.

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97

### Env-Ws 901.10 Wastewater Treatment Plant Owner Responsibilities.

(a) Each wastewater treatment plant owner which is subject to these rules shall designate an operator in responsible charge as referenced in Env-Ws 901.02(f) and advise the committee in writing of the person so designated. The operator in responsible charge shall be certified in the grade equal to or greater than the classification of the facility. Such a wastewater treatment plant owner shall advise the committee in writing within 10 working days of the termination of employment of a certified operator in responsible charge at its facility.

(b) After May 1, 1998, each wastewater treatment plant owner shall have a back-up certified operator available to be in responsible charge of a wastewater facility in the absence of the usual certified operator in responsible charge. This back-up operator shall hold a certificate of no more than one grade lower than that of the grade of the facility or hold an OIT certificate in the grade of the facility. In the case of a grade I plant, the back-up operator shall hold a grade I or grade I-OIT certificate.

(c) The replacement for a required certified operator shall be hired by the wastewater treatment plant owner as soon as practicable after a termination occurs, taking into consideration such owner's:

- (1) Personnel code;
- (2) Rules or regulations;
- (3) The terms of any collective bargaining agreement extant in the municipality relative to hiring and promotions; and
- (4) The public interest in an open competitive recruitment process for selection of qualified public employees.

(d) Temporary approval for a wastewater treatment plant owner to hire an operator one grade below the required grade shall be given upon written request to the committee, provided the operator is qualified to take the next scheduled examination in the next highest grade. This temporary approval shall be valid until the results of the next examination become available and shall not be renewable or extended.

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(e) Where a wastewater treatment plant is reclassified pursuant to Env-Ws 901.09(a), the wastewater treatment plant owner shall designate a properly certified operator pursuant to Env-Ws 901.10(a) within one year from the receipt of notification from the division pursuant to Env-Ws 901.09(d).

Source. #1774, eff 7-15-81; ss by #2352, eff 4-26-83; ss by #2851, eff 9-21-84, EXPIRED: 9-21-90

New. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97

Env-Ws 901.11 Penalties. No wastewater treatment plant shall be operated without a certified operator in responsible charge. Failure to provide certified operators can result in one or more of the following:

(a) Loss of payment of the annual grant installment next following such failure as provided under RSA 486:8; or

(b) Imposition of penalties in accordance with Env-C 603.

Source. #6326, INTERIM, eff 9-3-96, EXPIRED: 1-1-97

New. #6502, eff 4-25-97

Env-Ws 901.12 Certification Committee. The certification committee shall consist of 3 division personnel designated by the division director. Additionally, 2 members of this committee shall be nominated and elected by and from the membership of the New Hampshire Water Pollution Control Association. Said nominees shall currently hold New Hampshire wastewater treatment plant operator certifications as per these rules.

Source. #6502, eff 4-25-97

### PART Env-Ws 904 STANDARDS FOR PRETREATMENT OF INDUSTRIAL WASTEWATER

Env-Ws 904.01 Purpose. The purpose of these standards is to prevent the indirect discharge of pollutants to publicly-owned treatment works (POTW) which would:

(a) Pass through, interfere with or be incompatible with the safety, successful performance, operation and maintenance of the POTW;

(b) Cause the POTW to violate the water quality standards specified in Env-Ws 430; or

(c) Adversely impact sludge quality and prevent its use or disposal.

Source. #2240, eff 12-31-82; ss by #2851, eff 9-21-84; EXPIRED 9-21-90

New. #6373, eff 11-16-96

Env-Ws 904.02 Applicability. These rules shall apply to the discharge of industrial wastes, as defined by RSA 485-A:2, VI, into POTW.



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Source. #2240, eff 12-31-82; ss by #2851, eff 9-21-84;  
EXPIRED 9-21-90

New. #6373, eff 11-16-96

Env-Ws 904.03 Definitions. As used herein the following terms shall have the following meanings:

- (a) "Department" means the New Hampshire department of environmental services.
- (b) "Fume toxicity screening level" means that concentration of a pollutant in water which, under equilibrium conditions, a confined environment and a standard temperature, would cause the concentration of the pollutant in the air over that water to exceed the exposure limit.
- (c) "Headworks" means that portion of a wastewater treatment plant which first receives the total influent flow for initial treatment.
- (d) "Headworks loading limit" means the maximum allowable concentration of pollutants at the headworks of a treatment plant when the following constraints are considered:
  - (1) Water quality standards for the receiving water;
  - (2) Discharge permit limits;
  - (3) Inhibition of biological treatment processes;
  - (4) Sludge criteria;
  - (5) Corrosive destruction of the POTW;
  - (6) Air quality limitations; and
  - (7) Worker safety.
- (e) "Indirect discharge" means the introduction of pollutants into the POTW from any non-domestic sources.
- (f) "Industrial waste" means "industrial waste" as defined by RSA 485-A:2, VI, namely "any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources."
- (g) "Interference" means an indirect discharge which, alone or in conjunction with indirect discharge(s) from other sources:
  - (1) Inhibits or disrupts the POTW's treatment processes or operations, or its processing, use or disposal of sludge in compliance with applicable statutes and rules;
  - (2) Is a cause of a violation of any requirements of the POTW's federal or state discharge permit; or
  - (3) Prevents sewage sludge use or disposal in compliance with the following statutory provisions

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and rules or permits issued thereunder:

- a. Env-Wm 100-300 and 2100-2800 relative to solid waste management;
- b. Env-Wm 100-1000 relative to hazardous waste management;
- c. Env-A 100-1300 relative to air pollution control;
- d. The General Pretreatment Regulations For Existing and New Sources of Pollution, 40 CFR 403;
- e. The Federal Toxic Substances Control Act;
- f. The Federal Marine Protection, Research and Sanctuaries Act; and
- g. Env-Ws 800 and 40 CFR 503 relative to use or disposal of sewage sludge.

(h) "Local limit" means a pollutant concentration specified in a municipal sewer ordinance which numerically limits the amount of each specified pollutant that can be discharged to the POTW.

(i) "Municipal sewer use ordinance" means that set of ordinances, bylaws or regulations duly adopted by the governing body of the municipality relating to the collection system, pumping stations, publicly-owned treatment works or other appurtenant structures, including any pretreatment facilities as are required for the proper maintenance and operation of the foregoing enumerated facilities.

(j) "Municipality" means, for the purposes of these rules, any state county, city, town, district, governmental subdivision of the state or any other public or local entity, other than federal agencies, responsible for the operation and maintenance of the treatment works.

(k) "Other wastes" means other wastes as defined by RSA 485-A:2, VIII, namely "garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than sewage or industrial wastes, and any other substances harmful to human, animal, fish or aquatic life."

(l) "Pass through" means a discharge to a POTW in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's federal and/or state discharge permit.

(m) "Person" means person as defined by RSA 485-A:2, IX, namely "any municipality, governmental subdivision, public or private corporation, individual, partnership or other entity."

(n) "Pretreatment" means the application of physical, chemical, or biological processes, either singly or in combination, to reduce the amount of pollutants in or alter the nature of the pollutant property in a waste prior to discharge into a POTW.

(o) "Publicly owned treatment works" or "POTW" means a treatment works which is owned by a municipality.

(p) "Sewage" means "sewage" as defined by RSA 485-A:2, X, namely "the watercarried waste products from buildings, public or private, together with such groundwater infiltration and surface water as may be

present."

(q) "Sludge" means "sludge" as defined by RSA 485-A:2, XI-a, namely "the solid or semi solid material produced by water and wastewater treatment processes; provided however, sludge which is disposed of at solid waste facilities permitted by the waste management division of the department of environmental services shall be considered solid waste and regulated under RSA 149-M."

(r) "Sludge toxicity" means the degree to which a sludge has a toxic effect on living organisms.

(s) "Surface waters of the state" means "surface waters of the state" as defined by RSA 485-A:2, XIV, namely "streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses and other bodies of water, natural or artificial."

(t) "Treatment works" means any device or system used in the collection, storage, treatment, recycling, or reclamation of sewage or industrial waste and includes all collection sewers, interceptor sewers, pumping stations, treatment and appurtenant facilities essential to the operation of an entire system.

(u) "Upset" means "upset" as defined by RSA 485-A:2, XVIII, namely "an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee."

(v) "Waste" means "waste" as defined by RSA 485-A:2, XVI, namely "industrial waste and other wastes."

(w) "Wastewater treatment plant" means "wastewater treatment plant" as defined by RSA 485-A:2, XVI-a, namely "the treatment facility or group of treatment devices which treats domestic or combined domestic and industrial wastewater through alteration, alone or in combination, of the physical, chemical or bacteriological quality of the wastewater and which dewater and handles sludge removed from the wastewater."

Source. #2240, eff 12-31-82; ss by #2851, eff 9-21-84;  
EXPIRED 9-21-90

New. #6373, eff 11-16-96

Env-Ws 904.04 Municipal Sewer Use Ordinance. Subject to Env-Ws 904.05, in order to be approvable pursuant to Env-Ws 904.06, a municipal sewer use ordinance shall include the following minimum pretreatment standards and related provisions applicable to indirect dischargers:

(a) Local limits which are specifically developed to meet the headworks loading limit and reflect the design and operational capabilities of the POTW. Specific numerical limits shall be required on constituents contained in waste if the inclusion of such limits is necessary to meet applicable federal and state law. The limits shall be applied on a mass basis to allow indirect dischargers to reduce water use. Local limits shall be reevaluated and revised as necessary no less than every 5 years from adoption;

(b) Fume toxicity, explosivity, and ignitability screening levels when necessary for the protection of personnel or sewer structures;

(c) A requirement that wastes introduced into a POTW by any person shall not interfere with the safety, operation, maintenance or performance of the POTW, shall not have an adverse effect on the receiving stream and shall not otherwise endanger life, limb, public property, or constitute a nuisance.

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(d) A prohibited wastes list which shall include as a minimum the following:

- (1) Any waste containing pollutants in such concentrations which will cause corrosive or structural damage to the POTW, and in no case wastes with pH lower than 5.0, or higher than 12.0;
- (2) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW or result in interference with the proper operation of the POTW;
- (3) Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration which will cause interference with the POTW operations, constitute a hazardous to humans or animals, create a public nuisance, exceed national categorical pretreatment standards or cause pass through;
- (4) Any waste containing such concentrations or quantities of pollutants that its introduction to a POTW would cause a treatment process upset and subsequent loss of treatment ability;
- (5) Any waste containing heat in amounts which would inhibit biological activity in a POTW<sub>o</sub> resulting in an interference, and in no case wastes at a temperature which exceeds 40<sup>o</sup> C, 104<sup>o</sup> F;
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that might cause worker health and safety problems;
- (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW;
- (9) Any medical wastes except as specifically authorized in a discharge permit; and
- (10) Any wastewater causing the POTW's effluent or sludge to fail a toxicity test.

(e) A provision or provisions by which the municipality may require a discharger to:

- (1) Install and maintain monitoring and sampling equipment;
- (2) Keep records of monitoring and sampling data, including quality assurance/quality control records for a period of at least 5 years from the date of the measuring, sampling or report, which period shall be extended through the duration of any enforcement action; and
- (3) Submit records upon written request to local or state officials.

(f) Documentation that the local authority has adopted the sewer use ordinance, including adoption date and signatures of adopting officials;

(g) A requirement that an indirect discharge of wastewater shall only be allowed to a sewer connected to the treatment plant and that all new connected discharges shall be in compliance with pretreatment standards prior to connection to the POTW; and

(h) A requirement that each indirect discharger obtain a discharge permit from the municipality.

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Source. #2240, eff 12-31-82; ss by #2851, eff 9-21-84;  
EXPIRED 9-21-90

New. #6373, eff 11-16-96

Env-Ws 904.05 Alternate Provisions. A municipality may omit an element required by Env-Ws 904.04 from its municipal sewer use ordinance, or may include alternate or additional elements in its municipal sewer use ordinance, only if:

- (a) The municipality obtains a waiver pursuant to Env-Ws 904.07: or
- (b) The municipality includes, as part of its submittal pursuant to Env-Ws 904.06, an explanation of:
  - (1) Why the element was omitted; and
  - (2) How the resulting municipal sewer use ordinance supports the purpose and intent of the industrial pretreatment requirements as expressed in RSA 485-A and Env-Ws 904.

Source. #2240, eff 12-31-82; ss by #2851, eff 9-21-84;  
EXPIRED 9-21-90

New. #6373, eff 11-16-96

Env-Ws 904.06 Approval of Municipal Sewer Use Ordinance.

- (a) Each municipality seeking department approval shall submit its sewer use ordinance to the department before adoption.
- (b) Within 60 days of receipt of a sewer use ordinance from a municipality, the department shall review the ordinance for conformity to Env-Ws 904.04.
- (c) The department shall approve the sewer use ordinance if it determines that:
  - (1) The ordinance contains all of the elements required by Env-Ws 904.04 or alternate provisions provided in accordance with Env-Ws 905; and
  - (2) The ordinance does not contain any provisions which are less stringent than the elements required by Env-Ws 904.04.
- (d) The department shall notify the municipality of its approval or disapproval of the sewer use ordinance in writing. The written notification shall include reasons for disapproval when the ordinance is not approved.

Source. #2240, eff 12-31-82; ss by #2851, eff 9-21-84;  
EXPIRED 9-21-90

New. #6373, eff 11-16-96

Env-Ws 904.07 Waivers.

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(a) Waivers to the pretreatment standards set forth in a sewer use ordinance approved by the department shall be granted by the department only in accordance with this section.

(b) All requests for waiver approval shall be submitted to the department by or through the municipality and shall be in writing.

(c) All waiver requests shall include the following information:

- (1) A full explanation of why a waiver is necessary, with supporting information and calculations;
- (2) A full explanation of how the granting of the waiver is consistent with the purpose of RSA 485-A as set forth in RSA 485-A:1;
- (3) A technical analysis of the effects of the proposed discharge on the POTW, relative to:
  - a. Performance and effluent quality;
  - b. Operation and maintenance;
  - c. Safety and health of workers;
  - d. Pass through; and
  - e. Sludge use or disposal; and
- (4) Any other information that the person requesting the waiver believes is relevant to the waiver request.

(d) The department shall review the waiver request within 60 days of receipt. If the request does not contain all of the information specified in (c) above, or if the information is otherwise insufficient to allow the department to make an informed decision, the department shall request additional information.

(e) The department shall grant the waiver if:

- (1) The alternatives proposed are at least equivalent to the specific requirements contained in the rule; or
- (2) The alternatives proposed are adequate to ensure that the purpose of RSA 485-A is met and the result provides equivalent or better protection of the POTW and the receiving waters.

(f) The department shall deny the waiver if:

- (1) Granting the waiver would contravene the stated purpose of RSA 485-A or would contravene any rule adopted pursuant thereto; or
- (2) The person requesting the waiver does not provide information requested under (d) above.

(g) The department shall notify the municipality and person requesting the waiver of its decision in writing. If the waiver request is denied, the written decision shall specifically state the reasons for the denial.

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Source. #2266, eff 1-8-83; ss by #2851, eff 9-21-84;  
EXPIRED 9-21-90

New. #6373, eff 11-16-96

Env-Ws 904.08 Industrial Wastewater Discharge Permit Request Applications and Approval.

(a) Application to the department for approval of the discharge of industrial waste to a POTW, having its wastewater treatment plant located in New Hampshire, for any increase in industrial wastewater flow or pollutant concentration or a change in pollutant characteristics that could cause interference with the POTW or have an adverse affect on the receiving stream or otherwise endanger life, limb, public property or constitute a nuisance shall be approved by and forwarded through the municipality.

(b) Application shall be made by completing the department's "discharge permit request" form, by providing:

- (1) The name of the municipality;
- (2) Prior, new and total flow volume discharges;
- (3) The approval of the discharge and signature of an authorized municipal official; and
- (4) Attachment of information required in (c) below.

(c) Prior to signing and submitting the application to the department, the municipality shall evaluate the proposed discharge and the ability of the POTW to take the discharge based on information submitted by the industrial user.

(d) The submittal by the industrial user shall include the following information:

- (1) The name and address of the industry;
- (2) The name and telephone number of a responsible individual at the industry such as a plant manager, plant engineer, president or vice president of the company, who has certified the permit application in accordance with paragraph (e ) below;
- (3) The type of industry using the Standard Industrial Classification (SIC) code if available;
- (4) Whether the industry is subject to national categorical standards, and if so, which;
- (5) The estimated average, minimum, maximum and total daily flow for domestic discharges and each process discharge and the time and duration of those discharges;
- (6) A schematic of the proposed treatment process;
- (7) Plans, specifications, and operation and maintenance procedures for new or modified treatment facilities at the industrial facility which impact the POTW, stamped by a chemical, civil, sanitary, or environmental engineer registered in New Hampshire;

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- (8) Schematics or drawings, a major components list, and operation and maintenance procedures for existing treatment works designed to discharge directly to receiving waters which will be utilized for pretreating the wastewater and redirecting the discharge to a POTW, reviewed and certified as suitable for the proposed use by a chemical, civil, sanitary, or environmental engineer registered in New Hampshire;
  - (9) A schematic diagram showing the production process, including the origin of each waste stream;
  - (10) Analyses of the waste stream(s) to be discharged, which shall include test results or anticipated quantities of pollutants expected to be present, including those regulated by national categorical standards or local sewer use ordinances;
  - (11) Information on the toxicity and treatability of the particular pollutants proposed to be discharged, as available from manufacturer's testing, safety and data publications;
  - (12) A map showing the location within the municipality of the industrial facility with respect to the POTW;
  - (13) A listing of all chemicals used in the industrial facility which will be discharged, such as production chemicals, degreasers, and cleaning solvents;
  - (14) A description and location diagram of all sampling locations at the industrial facility;
  - (15) A brief narrative describing those measures taken or planned to reduce water usage and implement pollution prevention techniques, if any, such as:
    - a. Flow restricters;
    - b. Countercurrent rinses;
    - c. Recycling of non-contact cooling water;
    - d. Chemical substitutions; and
    - e. Pollutant source reduction; and
  - (16) A list of all environmental permits held by or for the facility.
- (e) The application shall also contain the following certification statement signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



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(f) The proposed discharge shall meet the requirements of these rules, and local pretreatment programs and sewer use ordinances.

(g) By signing the discharge permit request form of the department, the municipal official shall certify that the municipality has met all the forgoing criteria and has evaluated and approves the discharge to the POTW.

(h) No POTW shall allocate or accept for treatment more than 90 percent of the headworks or loading limits.

(i) A discharge permit request and approval shall not be required for short-term trials of 4 months duration, or less, of a new technology which will not cause a violation of the indirect discharger's existing discharge permit from the municipality or a violation of any requirements of the sewer use ordinance.

Source. #2240, eff 12-31-82; ss by #2851, eff 9-21-84;  
EXPIRED 9-21-90

New. #6373, eff 11-16-96